

### **REMARKS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 1, 6, 9, 21, 26 and 29 are amended without prejudice or disclaimer.

#### **Claim Objections**

The Office Action objects to claims 6, 9, 21, 26, and 29 because of informalities. The claims have been amended to correct informality matters noted in the Office action. Withdrawal of this ground of objection is requested.

#### **Rejection of Claims 1-3, 5, 7, 8, 11, 12, 21-23, 25, 27, 28, 31, and 32 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 1-3, 5, 7, 8, 11, 12, 21-23, 25, 27, 28, 31, and 35 under 35 U.S.C. §103(a) as being unpatentable over Devine et al. (U.S. Patent Publication No. 2003/0217190) ("Devine") in view of Mital et al. (U.S. Patent No. 7,184,967) ("Mital") further in view of Karr et al. (U.S. Patent Publication No. 2003/0066051) ("Karr") and in still further view of Sinai et al. (U.S. Patent No. 7,143,042) ("Sinai"). This ground of rejection is respectfully traversed.

Claims 1 and 21 require "augmenting, via a processor, the higher level representation with terminal symbols representing dynamically typed state variable assignments and comparisons associated with decision and computation shapes in the call flow to yield an augmented higher level representation." The Office action alleges that Devine discloses this limitation in paragraph [0012]. To the contrary, paragraph [0012] of Devine discloses only that

"Such processes [for creating a computer executable state machine for carrying out a telecommunication service] may comprise providing an editor having a template of objects representative of generic operations capable of occurring during

the service and employing the objects to generate a flow chart diagram of a telecommunication service; modifying an object in the diagram to add information content representative of a computer instruction for carrying out an action for the service; translating the graphical description into a set of set of instructions in an intermediate language capable of representing the content and structure of the flow chart diagram; and parsing the intermediate language to generate a state event table having a set of computer executable instructions and a data structure having information representative of the state machine response to an incoming event, whereby the state event table drives operation of a state machine engine.”

In this paragraph, Devine describes only employing generic operation objects to generate a flow chart, modifying an object in the flow chart to add information representative of a computer instruction, translating the flow chart to an intermediate language representing the content and structure of the flow chart, and parsing the intermediate language to generate a state event table. There is no disclosure of augmenting a higher level representation with terminal symbols as required by the claims. The “set of instructions” referenced in the Office action are the intermediate language instructions generated from the graphical flow chart representation. There is no disclosure in this paragraph [0012] relied on in the rejection of augmenting the set of instructions with terminal symbols as set forth in the claims. For this reason, the rejection is improper as it has failed to show that each and every element of the claims may be found in the prior art.

Thus, even if Devine were to be modified to “represent Devine’s higher level representation using Mital’s Backus-Naur Form;” and to “have used a dynamically typed language such as Matlab to convert Devine’s call flow into source code” as alleged, the claimed invention would not be achieved. However, the proposed combination of Devine with Mital and Karr is traversed for reasons of record as explained in prior responses.

**Rejection of Claims 4, 6, 9, 10, 24, 26, 29, and 30 Under 35 U.S.C. §103(a)**

The Office Action rejects claims 4, 6, 9, 10, 24, 26, 29, and 30 under 35 U.S.C. §103(a) as being unpatentable over Devine in view of Mital, further in view of Karr, still further in view of Sinai, and still further in view of Wallace (U.S. Patent No. 4,686,623). This ground of rejection is also respectfully traversed.

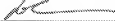
The Office action relies on Wallace as disclosing “expressing source code in a context-free grammar which is provided to a grammar parser which in turn generates a finite state machine.” Wallace, which is directed to an attribute analysis technique for use in compilers, does not provide the teaching or disclosure missing from Devine, Mital, Karr and Sinai with respect to the limitations of claims 1 and 21. Accordingly, no combination of Wallace with Devine, Mital, Karr and Sinai could result in the invention as set forth in claims 4, 6, 9, 10, 24, 26, 29, and 30. Withdrawal of this ground of rejection is requested.

**CONCLUSION**

Having addressed all rejections and objections, the subject application is in condition for allowance and a Notice to that effect is earnestly solicited. If necessary, the Commissioner for Patents is authorized to charge or credit the **Novak, Druce & Quigg, LLP, Account No. 14-1437** for any deficiency or overpayment.

Respectfully submitted,

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